

Message Text

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ACTION AF-10

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FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 672
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AMEMBASSY GABORONE
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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A
TAGS: PINT, SHUM, SF
SUBJECT: "DE NOVO" PRETORIA ANC TRIAL

REFERENCE: PRETORIA 6059 (1977) AND PREVIOUS

1. THE TERRORISM ACT TRIAL IN PRETORIA'S OLD SYNAGOGUE OF 12 ALLEGED MEMBERS OF THE BANNED AFRICAN NATIONAL CONGRESS (ANC) WHICH BEGAN "DE NOVO" MID-JANUARY FOLLOWING THE DEATH OF THE INITIAL TRIAL JUDGE IN 1977, IS NEARING COMPLETION. (THE ELEVEN MEN AND ONE WOMAN ARE FACED WITH ONE MAIN AND FOUR ALTERNATIVE COUNTS UNDER THE TERRORISM ACT AND A FIFTH ALTERNATIVE COURT UNDER THE INTERNAL SECURITY ACT. FURTHER DETAILS IN REFTELS.) THE CASE WAS CLOSED ON MARCH 7 AFTER THE STATE AND DEFENSE LAWYERS COMPLETED SUBMISSION OF EVI-
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DENCE AND JUSTICE MYBURGH POSTPONED THE TRIAL UNTIL MARCH 20 FOR FINAL ARGUMENT.

2. MEMBERS OF THE DEFENSE TEAM REVIEWED THE CASE WITH AN EMBOFF ON MARCH 9 AND NOTED THAT, UNLIKE ORIGINAL TRIAL WHICH OPENED WITH MUCH FANFARE AND PACKED GALLERIES, THE 1978 TRIAL "DE NOVO" HAS BEEN PRIMARILY A LACKLUSTER

AFFAIR AND VERY POORLY ATTENDED. (AN EMBOFF AT ONE RECENT SESSION NOTICED THAT DESPITE THE SMALL AND UNENTHUSIASTIC ATTENDANCE, POLICE WERE STILL IN FULL FORCE AND HEAVILY ARMED WITH SUB-MACHINE GUNS.) ONE DEFENSE LAWYER SAID HE HAD SEEN POLICEMEN HARASS BLACK MEMBERS IN THE PUBLIC AGALLERY TO CHECK THEIR PASSES, PERFORM BODY SEARCHES AND ESCORT SOME OUT OF THE GALLERY. ON THE LACK OF ATTENDANCE, THE LAWYER SURMISED THAT THOSE PERSONS INTERESTED IN THE TRIAL DO NOT WANT TO FACE THIS HARASSMENT AND ALSO ARE ILL DISPOSED TO SIT THROUGH THE LENGTHY TESTIMONY FOR A SECOND TIME.

3. ACCORDING TO THE LAWYERS, THE SUBSTANTIVE ASPECT OF THE SECOND TRIAL HAS BEEN "LEANER AND NEATER" THAN THE FIRST. THE PROSECUTOR CALLED SIGNIFICANTLY FEWER WITNESSES THAN LAST YEAR, PROBABLY DUE TO THE STATE'S INABILITY TO FIND ALL OF THE 1977 WITNESSES AND THE PROSECUTOR'S SELECT ELIMINATION OF EXTRANEIOUS TESTIMONY. MOREOVER, THE DEFENSE SHORTENED ITS PRESENTATION OF EVIDENCE BY GRANTING CERTAIN ADMISSIONS BASED ON PREVIOUS STATE TESTIMONY.

4. THE LOCAL PRESS HAS CONTINUED TO CARRY SPOT REPORTS ON PORTIONS OF THE ANC TRIAL, AND FOCUSED PRIMARILY ON THE MORE SPECTACULAR STATEMENTS MADE BY STATE WITNESSES ATTRIBUTING ACTS OF RECRUITMENT, SABOTAGE, CONSPIRACY, LIMITED OFFICIAL USE

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POSSESSION OF ARMS, AND MILITARY TRAINING TO THE ACCUSED. PRESS REPORTS HAVE SELDOM APPEARED ON THE FRONT PAGE.

5. COMMENT: OTHER TERRORISM ACT AND SIMILAR TRIALS IN NATAL, THE TRANSVAAL, AND EASTERN CAPE HAVE ECLIPSED THE PRIMACY GIVEN THE PRETORIA ANC DEFENDANTS WHEN FIRST CHARGED EARLY IN 1977. THE PRECIPITOUS DECLINE IN VISIBLE ATTENTION GIVEN TO THE "PRETORIA 12" IS AN INDICATION THAT SO FAR AS THE GENERAL PUBLIC IS CONCERNED, TERRORISM ACT TRIALS ARE BEGINNING TO SEEM "NORMAL" IN SOUTH AFRICA TODAY.
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